

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LECINDA ZIMMERMAN, )  
vs. Plaintiff, ) Case No. CIV-19-796-C  
NEW PRIME, INC. d/b/a PRIME, INC., )  
Defendant. )

**ORDER**

On June 11, 2021, Defendant issued a Subpoena Duces Tecum to Mr. Friedman and his company Friedman Research Corporation (“FRC”). The subpoena sought production of certain documents allegedly in the possession of Mr. Friedman and/or FRC. Response to the subpoena was due on or before July 5, 2021. Neither Mr. Friedman nor FRC responded to the subpoena. Defendant now seeks an Order compelling compliance with the subpoena.

Defendant’s request will be denied. The subpoena was issued to Mr. Friedman and FRC at their address in Austin, Texas, and it required compliance at the office of Defendant’s counsel in Tulsa, Oklahoma. In this regard, the subpoena failed to comply with Fed. R. Civ. P. 45(c)(2)(A), as it requires compliance at a location more than 100 miles from the place the subpoenaed person resides, is employed, or regularly transacts business in person.\* Thus, the subpoena is invalid, and Defendant’s Motion will be denied.

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\* The committee notes to the 2013 amendment to Rule 45 make clear that the 100-mile limitation applies to the production of documents in addition to the attendance of witnesses.

For the reasons set forth more fully herein, Defendant New Prime, Inc. d/b/a Prime Inc.'s Motion to Compel Documents from Non-Party (Dkt. No. 71) is DENIED.

IT IS SO ORDERED this 25th day of August 2021.



ROBIN J. CAUTHRON  
United States District Judge